

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

24 MAG . 1146

UNITED STATES OF AMERICA

v.

DANIEL SIKKEMA,
a/k/a "Daniel Garcia Carrera,"

Defendant.

SEALED COMPLAINT

Violations of 18 U.S.C. §§ 1542 and 2

COUNTY OF OFFENSE:
NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

NELSON FLORES, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE
(Passport Fraud)

1. On or about February 8, 2024, in the Southern District of New York and elsewhere, DANIEL SIKKEMA, a/k/a "Daniel Garcia Carrera," the defendant, willfully and knowingly, made a false statement in an application for a passport with intent to induce and secure the issuance of a passport under the authority of the United States, for his own use and the use of another, contrary to the laws regulating the issuance of passports and the rules prescribed pursuant to such laws, and used and attempted to use, and furnished to another for use a passport the issue of which was secured by reason of a false statement, to wit, SIKKEMA submitted an application for a passport for his son ("Minor Child-1"), in which he stated that Minor Child-1's passport book was lost, while knowing that statement to be false.

(Title 18, United States Code, Sections 1542 and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I am a Special Agent with the FBI. I have been personally involved in the investigation of this matter, and I base this affidavit on that experience, as well as on my conversations with other law enforcement officials and other individuals, and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Through my training and experience and my review of information on the U.S. Department of State ("DOS") website and DOS forms, I have learned the following:

a. An individual whose U.S. passport book is lost or stolen may apply for a new U.S. passport book by completing an "Application for a U.S. Passport" (Form DS-11) and "Statement Regarding a Valid Lost or Stolen U.S. Passport Book and/or Card" (Form DS-64). The individual must submit both forms, as well as supporting documents, a photo, and fees, in person at a facility that has been designated by the DOS as an authorized point for acceptance of such applications.

b. Form DS-64 requires that the applicant explain "in detail how [the individual's] U.S. passport book/card was lost or stolen," "[e]xplain where the loss or theft occurred," provide "what date" the U.S. passport book/card was lost or stolen," and provide other identifying information about the stolen or lost U.S. passport book or card.

c. DOS distributes Form DS-64 with instructions. The first page of those instructions warns the applicant that "[f]alse statements made knowingly and willfully on this form . . . are punishable by fine and/or imprisonment under U.S. law."

d. If the individual whose U.S. passport was lost or stolen is younger than 16 years' old, the parent(s) of the child must sign the Form DS-64 certifying that the information contained therein is correct and "declare under penalty of perjury" that the parent(s) have "read and understand[s] the warning on page one of this form." The parent(s) must also provide a photocopy of their own identification when submitting the form. If one parent has sole authority over the child younger than 16 years' old, the parent must also provide a copy of a supporting document establishing such sole authority with the Form DS-64.

e. If the application is approved, a new U.S. passport will be issued.

4. Based on my conversations with domestic and foreign law enforcement officers and the executor (the "Executor") of the estate of a particular individual ("Individual-1"), as well as my review of email records, New York State court records, and law enforcement records, I have learned the following, in substance and in part:

a. Minor Child-1 is the thirteen-year-old son of DANIEL SIKKEMA, a/k/a "Daniel Garcia Carrera," the defendant, a Cuban national, and Individual-1. Between in or about May 2022 and in or about January 14, 2024, SIKKEMA and Individual-1 were engaged in divorce and custody proceedings involving Minor Child-1.

b. Pursuant to a child custody agreement filed in New York State court on or about May 8, 2023 (the "Child Custody Agreement"), Individual-1 had custody of Minor Child-1's Spanish and American passport books. The Child Custody Agreement also provided that Individual-1 would provide SIKKEMA with Minor Child-1's passport books for agreed upon travel, but that, at the conclusion of the travel, Minor Child-1's passport books must be immediately returned by SIKKEMA to Individual-1.

c. On or about January 15, 2024, Individual-1 was murdered in Rio de Janeiro, Brazil. At the time of Individual-1's death, Minor Child-1 was living with SIKKEMA in New York, New York. The divorce proceedings between Individual-1 and SIKKEMA had not been finalized at the time of Individual-1's death.

d. On or about January 21, 2024, an attorney for SIKKEMA (the "DANIEL SIKKEMA Attorney") went to Individual-1's apartment building in New York, New York to gain access to the apartment and to retrieve Minor Child-1's passports. The apartment management team refused access to the DANIEL SIKKEMA Attorney and instructed the DANIEL SIKKEMA Attorney to contact the Executor to gain access. Subsequently, the DANIEL SIKKEMA Attorney called the Executor and requested access to the apartment and requested Minor Child-1's passports. The Executor responded, in substance and in part, that he had custody of Minor Child-1's Spanish passport, which he had already retrieved from Individual-1's apartment, and that Minor Child-1's U.S. passport was presumably in the safe inside Individual-1's apartment. The Executor declined to turn over the passports or give the DANIEL SIKKEMA Attorney access to Individual-1's apartment.

e. On or about January 26, 2024, SIKKEMA sent an email to the Executor, stating that he needed "[Minor Child-1's] last expired Spanish passport." He noted, "I have to order the new passport and as a requirement I have to deliver the expired one." SIKKEMA further wrote that he "need[ed]" "[Minor Child-1's] American passport." SIKKEMA continued by explaining that Minor Child-1 had a trip to another country coming up, which he hoped to accompany him on. The Executor did not respond to SIKKEMA's email.

f. On or about February 15, 2024, the Executor filed a petition in the Family Court of the State of New York, County of New York, asking to be named Minor Child-1's guardian on the basis that SIKKEMA was "being charged with the murder of [Individual-1] in Brazil," had attempted "multiple times to retrieve" Minor Child-1's passports, and might abscond with Minor Child-1 to Cuba prior to his arrest. On or about March 5, 2024, the court dismissed the petition. SIKKEMA maintains full custody of Minor Child-1.

g. Around late February 2024, the Executor retrieved Minor Child-1's U.S. passport from the safe in Individual-1's New York apartment. On or about March 14, 2024, Minor Child-1's passports, including his U.S. passport, were provided to the DANIEL SIKKEMA Attorney.

5. Based on my review of records from the DOS, I have learned the following, in substance and in part:

a. On or about February 8, 2024, an application for a new passport book on behalf of Minor Child-1 (the "Application") was submitted in person at the U.S. Post Office location at the James A. Farley Building in Manhattan, New York. The Application was comprised of both an Application for a U.S. Passport (Form DS-11) and a Statement Regarding a Valid Lost or Stolen U.S. Passport Book and/or Card (Form DS-64), among other supporting documents.

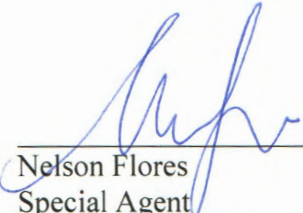
b. The Form DS-64 stated that Minor Child-1 had "LOST" his U.S. passport book after a trip in August 2023 with his "OTHER FATHER" to Europe. Specifically, the Form DS-64 stated: "AFTER A TRIP WITH HIS OTHER FATHER TO EUROPE IN LAS [sic] AUGUST HE LOST THE PASSPORT." The Form DS-64 also listed the date that Minor Child-1's U.S. passport was lost as August 20, 2023.

c. The Form DS-64 was signed by DANIEL SIKKEMA, a/k/a "Daniel Garcia Carrera," the defendant, under penalty of perjury. No one else signed the Form DS-64. The email address listed on the application is "DANIELSIKKEMA@YAHOO.COM."

d. Identification documents in the name of SIKKEMA, including SIKKEMA's Cuban and U.S. passports, and a DOS document related to the death of Individual-1, were submitted in connection with the Application.

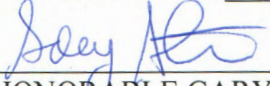
e. Based on my review of the Application, I believe that SIKKEMA filled out and submitted the Application, including the Form DS-64, on behalf of Minor Child-1.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of DANIEL SIKKEMA, a/k/a "Daniel Garcia Carrera," the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.



Nelson Flores
Special Agent
Federal Bureau of Investigation

Sworn to before me this 19th day of March, 2024.



THE HONORABLE GARY STEIN
United States Magistrate Judge
Southern District of New York